

## **BIIAB Qualifications Enquiry and Appeals Policy**



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## Purpose

BIIAB Qualifications aims to ensure that all of the following judgements are fair, consistent and based on valid judgements:

- Assessment results including:
  - When a Centre/registered learner believes the marking of an assessment that has been set and marked by BIIAB Qualifications and/or online multiple-choice test results are inaccurate
  - When a registered learner is not satisfied with the outcome of the Centre's internal appeals procedure
- Decisions regarding the outcome of the EQA process following an external quality assurance visit; i.e. decisions that affect assessment outcomes and sanctions relating to non-compliance
- Decisions, penalties and sanctions resulting from a malpractice investigation, including specific sanctions imposed on a member of Centre staff or a learner
- Outcomes of applications for reasonable adjustment arrangements or special consideration.

The purpose of this policy is to provide a formal procedure through which Centres and registered learners can submit an enquiry to BIIAB Qualifications about assessment outcomes and decisions that have been made which affects them directly and, if appropriate, submit an appeal against a decision.

This document explains the process that a Centre and/or a learner needs to go through to question a decision made relating to any of the above.

By way of summary, there are two stages of enquiry or appeal depending on the nature of the relevant decision. These are:

- Enquiry – Stage one
- Initial review and Independent Appeals Panel – Stage two

## Centre Responsibilities

All Centre staff involved in the management, assessment and quality assurance, of BIIAB qualifications must familiarise themselves with the contents of this policy.

In accordance with BIIAB Qualifications' requirements, centres must have internal appeal arrangements which learners can access if they wish to appeal against a decision taken by the centre.

All appeals must be clearly documented, and Centres are required to inform learners of the procedure they should follow in the event of an appeal against an assessment decision.

When a learner has exhausted the Centre's own internal appeals procedure, or an appeal is against an external assessment decision, he/she may appeal to BIIAB Qualifications, but only on the basis that the centre did not apply its procedures consistently, properly or fairly.

Centres or learners dissatisfied with any other aspect of BIIAB Qualifications' products and/or service should follow our Complaints Policy.

## Stage one – Enquiries

An overview:

The enquiry stage allows Centres and registered learners to question the following decisions made by BIIAB Qualifications:

- When a Centre/registered learner believes the marking of an assessment that has been set and marked by BIIAB Qualifications and/or online multiple-choice test results are inaccurate. In such circumstances an appeal should be made within 20 working days of receipt of the result.

The enquiry stage is not available for the following:

- When a registered learner is not satisfied with the outcome of the Centre's internal appeals procedure following an assessment decision made by the Centre
- Decisions regarding the outcome of the EQA process following an external quality assurance visit; i.e. decisions that affect assessment outcomes and sanctions relating to non-compliance
- Decisions, penalties and sanctions resulting from a malpractice investigation including specific sanctions imposed on a member of Centre staff or a learner
- Outcomes of applications for reasonable adjustment arrangements or special consideration.

For these decisions the Enquiries and Appeals process starts at Stage 2, the Appeal.

To submit an Enquiry, a Centre/registered learner must submit the BIIAB Qualifications Enquiry and Learner Consent form which is available on our website.

Centres can request an Enquiry on behalf of an individual learner or a group of learners providing BIIAB has received the learner's written permission for it to do so. The Learner Consent Form must be submitted with the Appeal form.

If this is missing from the request, BIIAB will be unable to proceed with the Enquiry. Requests without supporting documentation and learner signatures may also be treated as centre maladministration.

Centres should ensure that learners are aware that an assessment result may be affected negatively or positively following an Enquiry; i.e. an assessment result downgraded from a pass to a fail or upgraded to a pass from a fail.

An Enquiry involves a competent individual who was not involved in the original decision reviewing the assessment decisions and correcting any errors that are identified.

The Process:

There are two options for an Enquiry:

- A clerical check is a full check to ensure that learner responses have been correctly recorded and processed



- Re-assessment with report – this involves a clerical check and a full remark of the learner’s assessment by a different marker

To ensure that an Enquiry is handled within a reasonable timescale, as a Centre/registered learner you are required to submit Enquiries within the following timescales:

- A clerical check must be requested within 10 working days from receipt of assessment results
- A re-assessment must be requested within 10 working days from receipt of assessment results or, if a clerical check had previously been requested, within 5 working days of receiving the result of the clerical check.

On receipt of the request, BIIAB Qualifications will review it within 1 working day of receipt and acknowledge within 2 working days.

There are two possible outcomes following an Enquiry:

- The assessment result is confirmed
- The assessment decision is changed, which could result in a positive or negative outcome; i.e. fail to pass or pass to fail, or a change of grade.

BIIAB Qualifications will notify the Centre or learner of the outcome and amend Centre/learner records accordingly and, if necessary dependent on the outcome, make changes to its processes and systems. Where relevant, BIIAB Qualifications will notify third parties of the change of result or grade.

BIIAB Qualifications timescales for completion are:

- Clerical check request within 5 working days upon receipt of request
- Re-assessment within 30 working days upon receipt of request.

If a Centre and/or learner believes that BIIAB did not follow the correct processes or procedure when deciding the outcome of the Enquiry, then an appeal may be submitted.

## **Stages Two - Appeals**

An overview for all Appeals:

The purpose of an appeal is to identify if BIIAB Qualifications used procedures consistent with regulatory requirements and/or followed the correct processes, procedures and policies for any of the judgements given below:

- The outcome of an Enquiry
- Decisions regarding the outcome of the EQA process following an external quality assurance visit; i.e. decisions that affect assessment outcomes and sanctions relating to non-compliance
- Decisions, penalties and sanctions resulting from a malpractice investigation
- Outcomes of applications for reasonable adjustment arrangements or special consideration.
- In such circumstances an appeal should be made within 20 working days of receipt of the outcome



Registered learners may also submit an appeal if they have exhausted the Centre's Appeals process. When submitting an Appeal, learners must provide BIIAB Qualifications with evidence that they first appealed to the Centre without reaching a satisfactory conclusion.

Centres can request an Appeal on behalf of an individual learner or a group of learners, providing BIIAB Qualifications has received the learner's written permission for it to do so. The Learner Consent Form must be submitted with the Appeal form.

If this is missing from the request, BIIAB Qualifications will be unable to proceed with the Enquiry. Requests without supporting documentation and learner signatures may also be treated as centre maladministration.

Centres should ensure that learners are aware that an assessment result may be affected negatively or positively following an Appeal; i.e. an assessment result downgraded from a pass to a fail; or upgraded to a pass from a fail; or a pass grade upgraded to a distinction; or a distinction downgraded to a pass (relevant to End-Point Assessment).

To submit an Appeal, a Centre/registered learner must submit the BIIAB Qualifications Appeals and Learner Consent form which is available on its website. It must include clear reasons for the appeal and as much detail as possible about the specific instances where BIIAB Qualifications did not follow correct processes or procedures in reaching its original decision.

Additional supporting documentation can be included to support that request but must be clearly referenced, to aid the review process and reduce any additional requests for information.

Situations brought to our attention by the regulatory authorities or EQA organisations, where failures have been identified in the assessment process of another awarding organisation or End Point Assessment Organisation (EPAO), will trigger BIIAB Qualifications to review whether a similar issue could affect its assessment processes and arrangements.

### **The process:**

To ensure that an Appeal is handled within a reasonable timescale, a Centre/registered learner is required to submit an Appeal within 10 working days after the date of notification of the decision.

This key date may be the date at which a Centre internal appeals process concluded, an EQA or other member of staff reported his/her decision, or notification of the outcome of an Enquiry.

All appeals will be acknowledged within 2 working days and a written outcome within 20 working days from the date of acknowledgement. If a written outcome is not possible within that time frame, because of the complexity of the Appeal or the availability of the independent member of the Independent Appeals Panel, the appellant will be notified in writing.

### **Appeal – Stage two**

On receipt of an Appeal, BIIAB Qualifications will appoint a Lead reviewer to review the Appeal submission, supporting documentation and/or records relating to the original decision made by BIIAB Qualifications or, if the Appeal relates to a Centre's internal appeal process, the Centre.



The Lead Reviewer will be a member of staff who was not involved in the original decision. He/she will be an expert on all the relevant processes, procedures and policies, and the same process is followed for every type of appeal.

The Lead reviewer will consult, as necessary, with any relevant parties and may ask for additional evidence, either from the appellant or BIIAB Qualifications internal staff.

All the information provided by the appellant and any records retained by BIIAB Qualifications, will be checked against the relevant procedures and policy documents to confirm the correct procedures have been followed.

Following the review, the Lead Reviewer will report his/her findings to the Independent Appeals Panel, who will make the final decision on the outcome of the Appeal for BIIAB Qualifications.

The Panel ensures that there is an independent route of appeal and is comprised of two members of the BIIAB Qualifications Management Team, and an additional independent representative from either another awarding organisation, EPAO or an independent subject specialist that has the appropriate knowledge and skills to decide on the subject matter.

There are two possible Appeal outcomes:

- The appeal is upheld because one or more of the correct processes, procedures or policy documents were not followed.
- The appeal is rejected because all the correct processes, procedures and policy documents were followed.

If a review is upheld, BIIAB Qualifications will notify the appellant by letter within one working day of the decision being made.

If a review is not upheld, BIIAB Qualifications will notify the appellant by letter and include information on how to make a formal Appeal to the Independent Appeal Panel.

All Appeals and their subsequent outcomes are reported to the Management Team and to the BIIAB Qualifications Governing Board. The Appeal and its outcomes will be used to inform our self-assessment activities and will feedback into our product development and review processes where necessary.

The Panels outcome is binding and there is no further right of appeal to BIIAB Qualifications. However, where an Appeal relates to a regulated qualification and a Centre/learner is dissatisfied with BIIAB Qualifications actions, the appellant can contact the relevant regulator:

### **Ofqual**

If a qualification is regulated by Ofqual, there is a further right of appeal to the regulator.

Ofqual will only conduct the review if an awarding organisation's appeals process has been exhausted and will consider whether the due process has been followed by it in considering the appeal.

### **SQA Accreditation**

If a qualification is regulated by SQA Accreditation, there is a further right of appeal to the regulator.

SQA Accreditation will only conduct a review if an awarding organisation's appeals process has been exhausted and will consider whether the due process has been followed by it in considering the appeal.

SQA Accreditation may not overturn assessment decisions or academic judgements following a referral, but activities may be undertaken to assess the effectiveness of an awarding organisation's Appeals policy.

### **Scottish Public Service Ombudsman**

In Scotland, if a qualification has been undertaken at a public Scottish college, there is a route of complaint to the SPSO (Scottish Public Service Ombudsman) once all other processes have been followed.

### **CCEA Regulation**

If a qualification is regulated by CCEA Regulation, there is a further right of appeal to the regulator.

CCEA Regulation will only conduct a review if an awarding organisation's appeals process has been exhausted and will consider whether the due process has been followed by it in considering the appeal.

### **Qualifications Wales**

If a qualification is regulated by Qualifications Wales, there is a further right of appeal to the regulator.

Qualifications Wales will only conduct a review if an awarding organisation's appeals process has been exhausted and will consider whether the due process has been followed by it in considering the appeal.

BIIAB Qualifications will comply with the requirements of any appeals process established by its regulators (Ofqual, Qualifications Wales, CCEA Regulation and SQA Accreditation) and will act on the outcomes of any such process if it highlights failures in its systems.

### **Further outcomes of an appeal**

In a situation where an appeal has been successful, or where an investigation has taken place following a notification from the regulatory authorities that indicates a failure in our processes, we will consider the outcome and take actions such as:

- Amend the record of the centre concerned
- Convene a standardisation meeting
- Identify any other learners who have been affected and correct or, if it cannot be corrected, mitigate as far as possible the effect of the failure (e.g. reassess the learner at a centre and/or reassess learners taking the same assessment at other centres and amend the results for the learner(s) affected)
- review our associated processes and policies to ensure that the 'failure' does not occur again or mitigate the situation as far as possible if the failure that occurred cannot be corrected
- agree any remedial action required by the regulatory authorities and/or co-operate with any follow-up investigations



- If the matter under appeal has led to an adverse effect that the regulatory authorities are unaware of, BIIAB Qualifications Incident management process will be initiated and it will inform the relevant regulator.

## **Fees**

BIIAB Qualifications will not undertake any work associated with an Enquiry or Appeal request until payment of the relevant fee has been made.

All fees relating to an appeal will be refunded if the appeal is upheld.

Enquiry clerical check	£15.00
Reassessment with report	£70.00
Appeals	£295.00

## **Contact Details**

All forms, fees and documentation can be submitted to the Operations Manager using the contact details below by letter or by email to [customersupport@bii.org](mailto:customersupport@bii.org)

BIIAB Qualifications  
Infor House  
1 Lakeside Road  
Farnborough  
GU14 6XP

## **Policy Review Arrangements**

This policy is subject to a three-year review cycle, or earlier should any feedback or concern be brought to the attention of BIIAB Qualifications, to ensure it remains fit for purpose and the process and its outcomes are deliverable.

It is also reviewed as part of BIIAB Qualifications continuous improvement monitoring through its annual self-assessment arrangements.